



09/767,075

# AFFIDAVIT OF GEORGE ROLAND HILL

I, George Roland, Hill, of 14 Pownall Avenue, Bramhall, Stockport, Cheshire, SK7 2HE, make oath and say as follows:-

1. I graduated as a Bachelor of Science (1st Class Honours) in Civil Engineering from the University of Newcastle upon Tyne, UK, in 1965. I am a Chartered Engineer, a Fellow of the Institution of Structural Engineers, a Member of the Institution of Civil Engineers, a Member of the Institution of Highway and Transportation Engineers, a Member of the Welding Institute, a Member of the Chartered Institute of Building and a Member of the Architectural Association. I am over the age of 18, under no disability or infirmity, and believe in the obligations of an oath. I have personal knowledge of the events set forth herein.

2. For twenty years from 1973 to 1993, I was a partner in the UK Consulting Engineering Practice now known as Campbell Reith Hill.

3. I have been involved in projects concerning one-way vision transparent materials since 1976.

4. I am the inventor of US B1 4,673,609 "Unidirectional Panel" (hereinafter referred to as the '609 patent), which discloses products and methods of making one-way vision panels (including panels comprising perforated materials) having a design on one side not visible from the other side.

5. I am the Chairman and Managing Director of Contra Vision Limited, a UK company which is the owner of the above and other patents in the field of one-way vision products and their methods of manufacture.

6. I am also the President of Contra Vision North America, Inc., (hereinafter referred to as "CVNA") which is incorporated in the State of Georgia and is the exclusive licensee of the above and other patents.

7. In 1993 and 1994, I became aware of panels comprising perforated materials entering the US market which I regarded and still regard as infringements of the '609 patent, emanating from a company known as ImagoImage, Inc. of Walnut Creek, California and their licensees. There is now produced and shown to me marked "Exhibit A" a copy of correspondence notifying ImagoImage, Inc. of our patent and the reply, written by Mr Gregory E Ross.

8. Visual Technologies, Inc. (hereinafter referred to as VTI), is a US company incorporated in the State of North Carolina, located in Pineville, NC, which has been a sub-licensee of CVNA since 1991, its President being Mrs Linda M Icard. There is now produced and shown to me marked "Exhibit B" being copies of photographs taken by me of a perforated self-adhesive assembly with a non perforated backing layer removably attached to the perforated liner, this perforated adhesive assembly bearing a design of the Joe Camel "Old Joe" character promoting the Camel cigarette brand of R J Reynolds, and a Surgeon General's warning. This assembly was provided to me by Linda Icard as one of many "Old Joe" products she has told me she manufactured in August and September, 1993. She told me that this assembly had been sent to Glover Advertising, Inc. and returned at a later date from Glover Advertising, Inc.

Exhibit B, Figs. 1, 2 and 3, shows this "Old Joe" product. This "Old Joe" product comprises:

- 1.0 Perforated and Imaged Facestock comprising: -
  - 1.1 Perforated, clear, transparent vinyl
  - 1.2 "Old Joe" design reverse screenprinted, backed with
  - 1.3 White (screenprinted) layer
  - 1.4 Black (screenprinted) layer
- 2.0 Perforated, Pressure-sensitive Adhesive Layer applied to the perforated, clear, transparent vinyl

3.0 Composite Liner, comprising

3.1 a Perforated Liner, and

3.2 a Non-perforated Self-adhesive Backing Layer, comprising a removable pressure-sensitive tape adhered to the Perforated Liner.

There is now produced and shown before me Exhibit E, which is a photocopy supplied to me by Linda Icard of pictures taken by her of an "Old Joe" advertisement assembly applied to a window. In Exhibit B, Fig. 1(1), the composite liner has been pulled back from the top of the panel, revealing the top of the "CAMEL" part of the advertisement. Also, the non-perforated, self-adhesive backing layer has been pulled away from the perforated liner, to demonstrate that it is removably attached to this perforated liner. Fig. 2(1) shows the top of the panel turned over to reveal the rear, black side of the advertisement, in front of and spaced from the light coloured composite liner, the reflection of the design on the composite liner being visible through the black side. Fig. 2(2) shows the black side of the perforated vinyl advertisement held up against a window of my home, demonstrating the good view through the panel onto my garden. Fig. 3(2) shows the composite liner pulled back from the bottom part of the design, revealing the Surgeon General's warning on the bottom left hand corner. This panel appears to be identical to that shown in Exhibit E, as far as I can tell.

9. CVNA has several printing sub-licensees in North America and a number of these sub-licensees were very concerned when the ImagoImage, Inc. product came to market, as it competed

with their own one-way vision products. There is now produced and shown to me marked "Exhibit C" being selected sub-licensee and other correspondence regarding ImagoImage, Inc.

The fax of February 4, 1994, from Tapecon, Inc., describes the ImagoImage, Inc. sample which I believe is the same sample referred to in my letter of April 22, 1994 in Exhibit A. Tapecon, Inc.'s fax of February 4, 1994, also refers to another sample of the product printed with a Charlotte Hornets logo, and describes the perforated base material for these samples being:

"Top Layer" perforated self-adhesive assembly comprising:

Vinyl	)	
Adhesive	)	all perforated
Liner	)	

"Bottom Layer" Liner "Paper Premask p/s tape," "not perforated."

Paper Premask p/s tape is another way of describing the non-perforated, self-adhesive backing layer tape, p/s standing for pressure-sensitive adhesive.

Exhibit C also contains copies of ImagoImage, Inc. publicity and licensing information sent to Contra Vision North America, Inc. by sub-licensees or others. Exhibit C also encloses an "Interoffice Memo" of one of CVNA's licensees, Ariston, which was then a Division of Engraph,

Inc., of October 12, 1993. This clearly indicates that ImagoImage, Inc. was seeking to exploit their perforated assemblies via a number of licensees before October 18, 1993, the financial arrangements for such licenses being outlined in this memo.

10. There is now produced and shown before me marked "Exhibit D", which includes an offcut of a Gatorade advertisement that was in Contra Vision North America, Inc.'s possession not later than March 3, 1994, comprising:

- (i) a clear, transparent non-perforated plastic sheet, to which is attached
- (ii) a perforated self-adhesive assembly, comprising
  - (a) a layer of perforated clear pressure-sensitive adhesive, applied to one side of
  - (b) a layer of perforated clear, transparent vinyl, with
  - (c) a design printed in reverse onto the other side of the layer of perforated clear, transparent vinyl, and
  - d) a layer of white ink screenprinted over the design, and
  - (e) a layer of black ink screenprinted over the white ink.

Attached to the offcut was a label, a copy of which is also in

Exhibit D: "This ImagoImage™ sign has been mounted to Plexiglas and demonstrates how the sign would look in your store front window."

This sample therefore shows how the ImagoImage, Inc. product would be applied to the

window of a retail store window, and its resulting properties of a design visible from one side and good through-vision from the other, black side.

11. I have seen a copy of a Dun and Bradstreet report on ImagoImage, Inc. dated February 11, 1994, which identifies its President as Rodney Shields, its Treasurer as Greg Ross and its Secretary as Michael Luckman. This Dun and Bradstreet report also states that 100% of the capital stock of ImagoImage, Inc. was owned by its officers.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

*Rodney Shields*

Sworn at *Manchester* in the county of  
*Greater Manchester U.K.*  
this *14<sup>th</sup>* day of *November* 1999

Before me *R. K. Wilcock.*

Notary/Solicitor

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*My commission endures  
for so long as I shall practise*

